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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,710	03/10/2004	Katsuichi Osakabe	2552-000063	4255

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EXAMINER

GIESY, ADAM

ART UNIT	PAPER NUMBER
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2627

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/797,710

Applicant(s)

OSAKABE ET AL.

Examiner

Adam R. Giesy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. Figures 1-5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyashita et al. (hereinafter Miyashita – US Pat. No. 5,959,747).

Regarding claim 1, Miyashita discloses an optical disk recording method comprising: deriving a recording condition of old data recorded on a rewritable optical disk by reproducing the old data or from a reproduced waveform (see column 10, lines 18-40 – note that the conditions mentioned in the above passage cannot be determined unless data is reproduced from the tracks, therefore the conditions are inherently

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realized from a reproduced waveform); deciding an overwriting recording condition to overwrite new data on the old data recorded under the recording condition of the old data (see column 8, line 56 thru column 9, line 8); and overwriting the new data on the old data according to the decided overwriting recording condition (see Figure 12, element S1).

Regarding claim 2, Miyashita discloses all of the limitations of claim 1 as discussed in the claim 1 rejection above and further that the recording condition of the old data is derived upon an instruction to overwrite the new data on old data recorded on the rewritable optical disk (see column 9, lines 13-38 – note that since overwriting is taking place, the process of overwriting inherently involves an instruction to overwrite new data onto old data).

Regarding claim 3, Miyashita discloses an optical disk recording method comprising: detecting a crosstalk amount from a reproduced signal of old data recorded on a rewritable optical disk (see column 7, line 57 thru column 8, line 5); setting a recording condition based on the detected crosstalk amount (column 9, lines 33-38); and overwriting new data according to the recording condition (see Figure 12, element S1).

Regarding claim 4, Miyashita discloses all of the limitations of claim 3 as discussed in the claim 3 rejection above and further that the crosstalk amount is detected upon an instruction to overwrite the new data on old data recorded on the rewritable optical disk (see column 10, lines 23-24).

Regarding claim 5, Miyashita discloses all of the limitations of claim 3 as discussed in the claim 3 rejection above and further that the recording condition is set in response to a difference between the detected crosstalk amount and a reference crosstalk amount (see column 16, lines 25-46).

Regarding claim 6, Miyashita discloses all of the limitations of claim 5 as discussed in the claim 5 rejection above and further that an optimum recording power is decided by applying a trial writing onto a trial writing area of the rewritable optical disk, and the reference crosstalk amount is detected based on a reproduced signal of data that are recorded at the optimum recording power (see column 16, lines 25-46).

Regarding claim 7, Miyashita discloses an optical disk recording method comprising: acquiring a peak-to-peak value of a reproduced signal of old data recorded on a rewritable optical disk (see Figure 14); setting a recording condition based on the peak-to-peak value (see column 8, line 56 thru column 9, line 8); and overwriting new data according to the recording condition (see Figure 12, element S1).

Regarding claim 8, Miyashita discloses all of the limitations of claim 7 as discussed in the claim 7 rejection above and further that the peak-to-peak value is acquired upon an instruction to overwrite the new data on old data recorded on the rewritable optical disk (see column 9, lines 13-38 – note that since overwriting is taking place, the process of overwriting inherently involves an instruction to overwrite new data onto old data).

Regarding claim 9, Miyashita discloses all of the limitations of claim 7 as discussed in the claim 7 rejection above and further that an optimum recording power is

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decided by applying a trial writing onto a trial writing area of the rewritable optical disk, and the recording condition is set in response to a difference between the peak-to-peak value of the reproduced signal of data recorded at the optimum recording power and the peak-to-peak value of the reproduced signal of the old data (see column 16, lines 25-46).

Regarding claim 10, Miyashita discloses an optical disk recording method comprising: applying a trial writing while changing a laser power irradiated onto a trial writing area of a rewritable optical disk by a predetermined amount (see column 15, lines 50-58); deciding an optimum recording power based on a reproduced signal of trial-written data (see column 15, lines 49-50); acquiring a first peak-to-peak value based on a peak value and a bottom value of a reproduced signal of data recorded at the optimum recording power (column 15, lines 59-66); acquiring a second peak-to-peak value based on a peak value and a bottom value of a reproduced signal of old data recorded on the rewritable optical disk (column 16, lines 25-46); and correcting an erasing power of a laser beam irradiated onto the rewritable optical disk in response to a difference between the first and second peak-to-peak values, and overwriting the new data by applying a corrected erasing power (see Figure 12, elements S3-S5).

Regarding claim 11, Miyashita discloses all of the limitations of claim 10 as discussed in the claim 10 rejection above and further that the trial writing is applied upon an instruction to overwrite the new data on old data recorded on the rewritable optical disk (see column 9, lines 13-38 – note that since overwriting is taking place, the

process of overwriting inherently involves an instruction to overwrite new data onto old data).

Regarding claim 12, Miyashita discloses an optical disk recording system comprising: a reproducing unit which reproduces data recorded on a rewritable optical disk (Figure 1, element 9); a crosstalk detecting unit which detects a crosstalk amount from a reproduced signal of the reproducing unit (element 7); a recording-condition setting unit which sets a recording condition based on the crosstalk amount detected by the crosstalk detecting unit (10); and a recording unit which overwrites new data on old data according to the recording condition set by the recording-condition setting unit (5).

Regarding claim 13, Miyashita discloses an optical disk recording system comprising: a reproducing unit which reproduces data recorded on a rewritable optical disk (Figure 1, element 9); an envelope detecting unit which acquires a peak-to-peak value of a reproduced signal of the reproducing unit (element 7); a recording-condition setting unit which sets a recording condition based on the peak-to-peak value acquired by the envelope detecting unit (10); and a recording unit which overwrites new data on old data according to the recording condition set by the recording-condition setting unit (5).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Iwasaki et al (US Pat. No. 5,761,179) discloses an overwriting method for a phase-change optical medium.

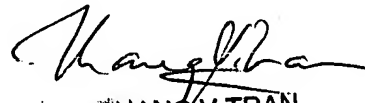
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- b. Nobukuni et al. (US Pat. No. 6,411,579 B2) discloses an overwriting method for reduced crosstalk in an optical recording medium
 - c. Ohara et al. (US Pat. No. 5,140,580) discloses the variance of a laser power based on the peak-to-peak measurement of the reproduction waveform.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam R. Giesy whose telephone number is (571) 272-7555. The examiner can normally be reached on 8:00am- 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (571) 272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ARG 1/5/2007



THANH V. TRAN
PRIMARY EXAMINER